

Van H. Wanggaard

Wisconsin State Senator

Testimony in Support of Senate Bill 15

Members of the Senate Committee on Labor, Public Safety, and Urban Affairs:

Thank you for the opportunity to testify today. I am happy to speak in favor of Senate Bill 15, which will provide badly-needed mandate relief to law enforcement officials throughout Wisconsin.

To begin, carefully tucked inside of 2009 Wisconsin Act 28, the biennial budget bill, was a provision that requires all law enforcement officers throughout Wisconsin to collect data on every traffic stop. The data collection requirement includes the race of the driver and the race of everyone in the vehicle. This data must be collected regardless of whether a citation is issued to the driver.

This new requirement has created a tremendous burden for law enforcement in Wisconsin. Police officers that should be using their limited time protecting public safety are instead filling-out forms to satisfy bureaucrats in Madison. For some officers, it may be the matter of an extra minute, but for others, it can add a substantial amount of time to each traffic stop.

Furthermore, in many instances this requirement is unnecessary and duplicative. Most citations already require traffic officers to record the race of the driver. However, 2009 Wisconsin Act 28 requires officers to collect and record this data regardless of what is already recorded on the citation.

As a former traffic investigator for the City of Racine for over 30 years, I can tell you that each minute of an officer's time in the field is extremely valuable. Quite simply, every mandate passed from Madison, however well-intentioned, leaves less time for our men and women in the field. According to an estimate by the Department of Transportation, enactment of Senate Bill 15 will result in a savings of 76,668 officer hours per year, or nearly 3,200 days. From my conversations with local law enforcement, I think, if anything, this estimate is conservative.

In conclusion, Senate Bill 15 provides badly-needed mandate relief to over-stretched local governments and law enforcement. It will help keep cops on the street to ensure the safety of our communities.

Serving Racine County - Senate District 21



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

**J.B. VAN HOLLEN
ATTORNEY GENERAL**

**Raymond P. Taffora
Deputy Attorney General**

114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857
608/266-1221
TTY 1-800-947-3529

**Prepared Testimony of Attorney General J.B. Van Hollen
Before the Senate Committee on Labor, Public Safety, and Urban Affairs
Wednesday, February 16, 2011
State Capitol**

Good morning.

Chairman Wanggaard, members of the Senate Committee on Labor, Public Safety, and Urban Affairs, thank you for the opportunity to testify today in support of Senate Bill 15. The bill seeks to repeal the law requiring all Wisconsin law enforcement agencies to collect and submit racial profiling data while making traffic stops. I support the bill for three basic reasons.

First, current law requires sworn law enforcement officers to devote time and resources to gathering statistical information for use and analysis by others when those same officers could be making better use of their time protecting our citizens, arresting criminals, and enforcing the law. Law enforcement resources are limited and we need to make sure that the people we depend upon to protect us are allowed to do their job, instead of filling out forms.

Second, I don't believe that collecting data on the race of persons involved in traffic stops is likely to provide any useful information to help promote law enforcement goals. The data may tell you that, on a given evening, an officer stopped six cars driven or occupied by individuals of a specific race and that four of those stops resulted in an arrest.

An accumulation of the data may show that one racial group is subjected to stops more frequently than another. However, there are many variables that are not accounted for in the information to be gathered. Likewise, if an officer decides not to stop a car—despite probable cause to do so--solely because of the race of the driver or occupants, that information will never

become part of the analysis. In other words, the statistics might provide information on the number of stops involving persons of a certain race, but they are unlikely to show the equally-relevant information of how many stops could have been, but were not, made, and why.

Third, and I spoke to this exact point when I testified about this matter during its consideration in the 2009 budget bill, I recognize the need for equal application of the law.

It is a fundamental tenet of our Consitution and our system of justice.

However, while a requirement to collect racial data may have been prompted by a noble goal, I believe it would be counterproductive to law enforcement and would not render, in any meaningful way, data that could be used to support our shared efforts to make certain application and enforcement of the law truly colorblind.

Law enforcement officers often need to make quick decisions under difficult, and even life-threatening circumstances. If an officer makes the judgment that a car needs to be stopped because a violation has been observed or because a crime may be in progress, he or she should not have to consider the risk of being accused of targeting racial groups because of prior stops involving persons of the same race.

Law enforcement officers are expected to enforce the law even-handedly and without bias. Current law makes no progress in furthering these expectations.

For these reasons, I ask that you support SB 15. Thank you for the opportunity to testify before you today. I am happy to take your questions.

JA

DAY 1, JULY 20

OFFICE OF JUSTICE ASSISTANCE

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Racially Biased Policing: a Program to Facilitate Fair and Impartial Policing

OJA

OFFICE OF JUSTICE ASSISTANCE

July 20 & 21, 2010

DAY 1, JULY 20

Last Name		First Name		Title		Agency/Dept		Signature		REQUIRED Position Federally Funded?	
										Yes No	
Kavanaugh		Robert		Deputy Chief		Appleton Police Dept.		<i>Robert Kavanaugh</i>			
Lawrence		Robert		Patrol Captain		La Crosse Police Dept.		<i>Robert Lawrence</i>		X	
Lindquist		Lewis		Captain		Kenosha Police Dept.		<i>Lewis Lindquist</i>		X	
Matysik		Jerry		Chief of Police		Eau Claire Police Dept.		<i>Jerry Matysik</i>			
Moore		David		Chief		Janesville Police Dept.		<i>David Moore</i>		X	
Olsen		John		Deputy Chief		Janesville Police Department		<i>John Olsen</i>			
Riddiough		Bradford		Lieutenant		Sheboygan Police Dept.		<i>Brad Riddiough</i>			
Sterr		Lisa		Operations Commander		Green Bay Police Dept.		<i>Lisa Sterr</i>			
Wray		Noble		Chief of Police		Madison Police Dept.		<i>Noble Wray</i>			
Draper		Lindsey		Disproportionate Minority		Office of Justice Assistance		<i>Lindsey Draper</i>		✓	
Schuh		Dennis		Justice Program Manager		Office of Justice Assistance		<i>Dennis Schuh</i>		X	
Hahn		Donna		Justice Program Technician		Office of Justice Assistance		<i>Donna Hahn</i>		X	
Fridell		Lorie		Associate Professor		Department of Criminology, University of South Florida		<i>Lorie Fridell</i>		X	

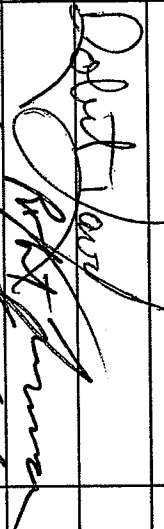
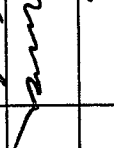





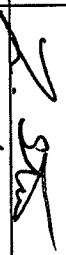

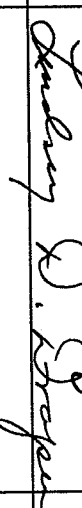
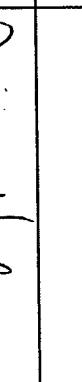

Racially Biased Policing: a Program to Facilitate Fair and Impartial Policing

OJA

OFFICE OF JUSTICE ASSISTANCE

July 20 & 21, 2010

DAY 2 JULY 21

Last Name		First Name		Title		Agency/Dept		Signature		REQUIRED Position Federally Funded?	
										Yes	No
Kavanaugh		Robert		Deputy Chief		Appleton Police Dept.				<input checked="" type="checkbox"/>	
Lawrence		Robert		Patrol Captain		La Crosse Police Dept.				<input checked="" type="checkbox"/>	
Lindquist		Lewis		Captain		Kenosha Police Dept				<input checked="" type="checkbox"/>	
Matysik		Jerry		Chief of Police		Eau Claire Police Dept.				<input checked="" type="checkbox"/>	
Moore		David		Chief		Janesville Police Dept.				<input checked="" type="checkbox"/>	
Olsen		John		Deputy Chief		Janesville Police Department				<input checked="" type="checkbox"/>	
Riddiough		Bradford		Lieutenant		Sheboygan Police Dept.				<input checked="" type="checkbox"/>	
Sterr		Lisa		Operations Commander		Green Bay Police Dept.				<input checked="" type="checkbox"/>	
Wray		Noble		Chief of Police		Madison Police Dept.				<input checked="" type="checkbox"/>	
Draper		Lindsey		Disproportionate Minority		Office of Justice Assistance				<input checked="" type="checkbox"/>	
Schuth		Dennis		Justice Program Manager		Office of Justice Assistance				<input checked="" type="checkbox"/>	
Hahn		Donna		Justice Program Technician		Office of Justice Assistance				<input checked="" type="checkbox"/>	

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July 20 & 21, 2010

DAY 2, JULY 21, 3

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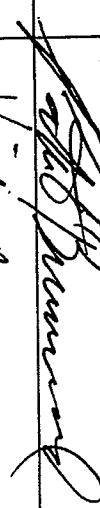






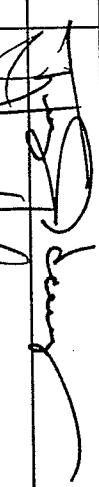

Racially Biased Policing: a Program to Facilitate Fair and Impartial Policing

15-Dec-10 La Crosse, WI

OFFICE OF JUSTICE ASSISTANCE

OJA

REQUIRED

Last Name	First Name	Title	Agency/Dept	Signature	Position Federally Funded?	Yes	No
Abraham	Robert	Captain	Captain La Crosse Police Dept.				✓
Beatty	Alan	Attorney	Public Defender's Office				✓
Belzer	Keith	Citizen Member	Criminal Justice Management Council				✓
Blokhuis	Michael	Sergeant	La Crosse Police Dept.				X
Brummond	Patrick	District Court Administrator					✓
Burke	Vicki	County Board	Criminal Justice Management Council				X
Crye	Chris	Minister					X
Flatten	Kirk	Sergeant	La Crosse Police Dept.				X
Gavrilos	Andrew	Sergeant	La Crosse Police Dept.				X
Gonzalez	Ramona A.	Circuit Court Judge					X
Gruenke	Tim	District Attorney					
Hampson	Sharon	County Board	Criminal Justice Management Council	NA			
Harcey	Troy	Citizen Member	Criminal Justice Management Council				X
Helgeson	Steve	Sheriff					✓

Racially Biased Policing: a Program to Facilitate Fair and Impartial Policing

OJA

OFFICE OF JUSTICE ASSISTANCE

15-Dec-10 La Crosse, WI

Last Name		First Name		Title		Agency/Dept		Signature		REQUIRED Position Federally Funded?	
										Yes	No
Kappauf		Ann		Director		New Horizons Shelter and Women's Center		NA			
Klekamp		Jane		Supervisor		Chemical Health & Justice Sanctions		<i>Jane Klekamp</i>			X
Kudron		Shawn		Lieutenant		La Crosse Police Dept.		<i>Shawn Kudron</i>			X
Locante		Thomas		Attorney		Public Defender's Office		<i>Thomas Locante</i>			X
Marco		Patrick		Sergeant		La Crosse Police Dept.		NA			
Oleson		Craig		Sergeant		La Crosse Police Dept.		<i>Craig Oleson</i>			X
Pohlman		Nancy		Manager		Family & Children's Section		NA			
Quinlisk		Ann		Citizen Member		Criminal Justice Management Council		<i>Ann Quinlisk</i>			
Schilling		Carol		Supervisor		Chemical Health & Justice Sanctions		<i>Carol Schilling</i>			X
Spanjers		Becky		Supervisor		Chemical Health & Justice Sanctions		<i>Becky Spanjers</i>			X
Thole		Geva		Citizen Member		Criminal Justice Management Council		NA			
Trotnic		Jeffrey		Chief		Onalaska Police Dept.		<i>Jeffrey Trotnic</i>			
Witt		Jason		Human Services Director		Human Services		<i>Jason Witt</i>			X
Xiong		Amesia		Assistant District Attorney				<i>Amesia Xiong</i>			NO
Zindorf		Rita		Citizen Member		Criminal Justice Management Council		<i>Rita Zindorf</i>			X

15-Dec-10 La Crosse, WI

OFFICE OF JUSTICE ASSISTANCE

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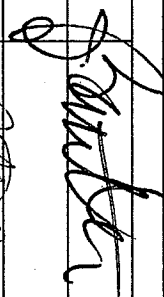






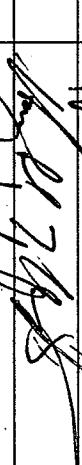
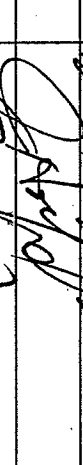
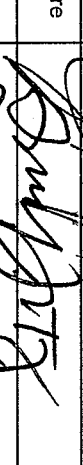


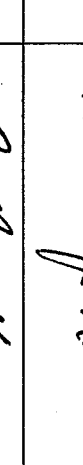


Racially Biased Policing: a Program to Facilitate Fair and Impartial Policing

August 31 & September 1, 2010

DAY 1, August 31

OFFICE OF JUSTICE ASSISTANCE

REQUIRED

FIRST Name	LAST Name	Title	Agency/Dept	Signature	Position Federally Funded?	Yes	No
John (Tony)	Barthuly	Chief of Police	Fond du Lac Police Dept.				<input checked="" type="checkbox"/>
Jennifer	Bias	Trial Division Director	State Public Defender				<input checked="" type="checkbox"/>
Margaret	Carpenter	Administrator	DOC-DJC				<input checked="" type="checkbox"/>
Jerome	Dillard	President	Voices Beyond Bars				<input checked="" type="checkbox"/>
Selika	Ducksworth	Associate Professor	University of Wisconsin-Eau Claire				<input checked="" type="checkbox"/>
Roberto	Fuentes	Deacon	Cristo Rey Church				<input checked="" type="checkbox"/>
Tim	Golden	Lieutenant	Eau Claire Police Dept.				<input checked="" type="checkbox"/>
Aaron	Goldstein	Lieutenant	Fond du Lac Police Dept.				<input checked="" type="checkbox"/>
Harald	Hampton	Community Member	City of Green Bay				<input checked="" type="checkbox"/>
Jimmy	Holford	Sergeant	Janesville Police Dept.				<input checked="" type="checkbox"/>
Bruce	Jentz	Commissioner	City of La Crosse Police & Fire Commission				<input checked="" type="checkbox"/>
Jean	Kittelson	Alderson	City of Sheboygan				<input checked="" type="checkbox"/>
Steve	Klein	Captain	Fond du Lac Police Dept.				<input checked="" type="checkbox"/>
James	Martin	Judge	Dane Co. Circuit Court				<input checked="" type="checkbox"/>
Jason	Melby	Lieutenant	La Crosse Police Dept.				<input checked="" type="checkbox"/>
Kevin	Lenke	Deputy Chief	Fond du Lac Police				<input checked="" type="checkbox"/>

Racially Biased Policing: a Program to Facilitate Fair and Impartial Policing

OIA

OFFICE OF JUSTICE ASSISTANCE

2010

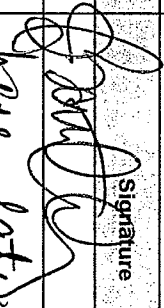







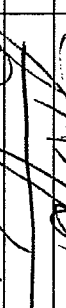
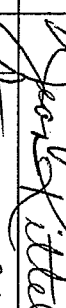
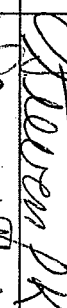

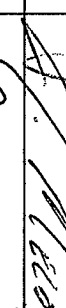




DAY 1, August 31

				REQUIRED Position Federally Funded?	
				Yes	No
FIRST Name	FIRST Name	Title	Agency/Dept	Signature	
Marilyn	Montemayor	Alderman	City of Sheboygan	<i>Montemayor</i>	
Matt	Rokus	Lieutenant	Eau Claire Police Dept.	<i>Matt Rokus</i>	
Brian	Schuldes	Sergeant	Oshkosh Police Dept.	<i>Brian Schuldes</i>	
Drew	Severson	Police Officer	Janesville Police Dept.	<i>Drew Severson</i>	
Michael	Shields	Alderman	City of Racine	<i>Michael Shields</i>	
Joe	Smith	Lieutenant	La Crosse Police Dept.	<i>Joe Smith</i>	
James	Southworth	Lieutenant	Eau Claire Police Dept.	<i>James Southworth</i>	
Gerald	Staniszewski	Lieutenant	Eau Claire Police Dept.	<i>Gerald Staniszewski</i>	
Steve	Thiry	Captain	Fond du Lac Police Dept.	<i>Steve Thiry</i>	
Nobel	Wray	Chief of Police	City of Madison	<i>Nobel Wray</i>	
David	Zibolski	Captain	Milwaukee Police Dept.	<i>David Zibolski</i>	
STAFF					
Lindsey	Draper	Disproportionate Minority Contact	Office of Justice Assistance	<i>Lindsey Draper</i>	
Donna	Hahn	Justice Program Technician	Office of Justice Assistance	<i>Donna Hahn</i>	
Lorie	Fidell	Associate Professor	Department of Criminology, University of South Florida		
David	Steingraber	Executive Director	Office of Justice Assistance		
José	Chambers	VP		<i>José Chambers</i>	

Racially Biased Policing: a Program to Facilitate Fair and Impartial Policing

OFFICE OF JUSTICE ASSISTANCE
OJA
 August 31 & September 1, 2010

DAY 2, September 1

FIRST Name		LAST Name	Title	Agency/Dept	Signature	REQUIRED Position Federally Funded?	
John (Tony)	Barthuly		Chief of Police	Fond du Lac Police Dept.		Yes	<input checked="" type="checkbox"/>
Jennifer	Bias		Trial Division Director	State Public Defender			<input checked="" type="checkbox"/>
Margaret	Carpenter		Administrator	DOC-DJC			<input checked="" type="checkbox"/>
Jerome	Dillard		President	Voices Beyond Bars University of Wisconsin-Eau Claire			<input checked="" type="checkbox"/>
Selika	Ducksworth-		Associate Professor				<input checked="" type="checkbox"/>
Roberto	Fuentes		Deacon	Cristo Rey Church			<input checked="" type="checkbox"/>
Tim	Golden		Lieutenant	Eau Claire Police Dept.			<input checked="" type="checkbox"/>
Aaron	Goldstein		Lieutenant	Fond du Lac Police Dept.			<input checked="" type="checkbox"/>
Harald	Hampton		Community Member	City of Green Bay			<input checked="" type="checkbox"/>
Kurt	Heuer		Chief of Police	Wisconsin Rapids Police Dept./WI Chiefs Association			<input checked="" type="checkbox"/>
Jimmy	Holford		Sergeant	Janesville Police Dept.			<input checked="" type="checkbox"/>
Bruce	Jentz		Commissioner	City of La Crosse Police & Fire Commission			<input checked="" type="checkbox"/>
Jean	Kittelson		Alderson	City of Sheboygan			<input checked="" type="checkbox"/>
Steve	Klein		Captain	Fond du Lac Police Dept.			<input checked="" type="checkbox"/>
James	Martin		Judge	Dane Co. Circuit Court			<input checked="" type="checkbox"/>
Jason	Melby		Lieutenant	La Crosse Police Dept.			<input checked="" type="checkbox"/>
Jose	CARRILLO						<input checked="" type="checkbox"/>



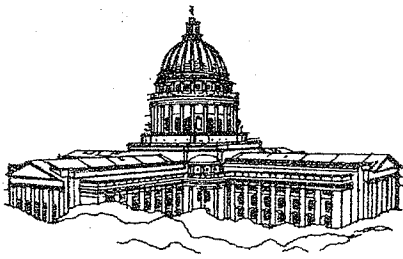
Policing: a Program to Facilitate Fair and Impartial Policing

OFFICE OF JUSTICE ASSISTANCE

August 31 & September 1,
2010

DAY 2, September 1

FIRST Name		LAST Name	Title	Agency/Dept	Signature	REQUIRED Position Federally Funded?	
Marilyn	Montemayor	Alderman	City of Sheboygan		<i>M. Montemayor</i>	Yes	No
Matt	Rokus	Lieutenant	Eau Claire Police Dept.		<i>M. Rokus</i>		<input checked="" type="checkbox"/>
Brian	Schuldes	Sergeant	Oshkosh Police Dept.		<i>B. Schuldes</i>		<input checked="" type="checkbox"/>
Drew	Severson	Police Officer	Janesville Police Dept.		<i>D. Severson</i>		<input checked="" type="checkbox"/>
Michael	Shields	Alderman	City of Racine		<i>Michael D. Shields</i>		<input checked="" type="checkbox"/>
Joe	Smith	Lieutenant	La Crosse Police Dept.		<i>Joe Smith</i>		<input checked="" type="checkbox"/>
James	Southworth	Lieutenant	Eau Claire Police Dept.		<i>James Southworth</i>		<input checked="" type="checkbox"/>
Gerald	Staniszewski	Lieutenant	Eau Claire Police Dept.		<i>Gerald Staniszewski</i>		<input checked="" type="checkbox"/>
Steve	Thiry	Captain	Fond du Lac Police Dept.		<i>Steve Thiry</i>		<input checked="" type="checkbox"/>
Nobel	Wray	Chief of Police	City of Madison		<i>Nobel Wray</i>		<input checked="" type="checkbox"/>
David	Zibolski	Captain	Milwaukee Police Dept.		<i>David Zibolski</i>		<input checked="" type="checkbox"/>
STAFF							
Lindsey	Draper	Disproportionate Minority Contact	Office of Justice Assistance		<i>Lindsey D. Draper</i>		
Donna	Hahn	Justice Program Technician	Office of Justice Assistance		<i>Donna Hahn</i>	<input checked="" type="checkbox"/>	
Lorie	Fridell	Associate Professor	Department of Criminology, University of South Florida				
Kris	Moelter	Juvenile Justice Specialist	Office of Justice Assistance		<i>Kris Moelter</i>	<input checked="" type="checkbox"/>	



LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

Senate Bill 15
Testimony of Senator Lena C. Taylor
Committee on Labor, Public Safety, & Urban Affairs
Wednesday, February 16, 2011

Honorable Chairman Wanggaard and members,

Thank you for allowing me to testify today on Senate Bill 15, which will repeal the traffic stop data collection law enacted last year. As one of the primary authors of the law and the past chairwoman of the committee that approved of the corresponding administrative rules, I speak today in opposition to this bill.

As some history for the members of the committee, please let me highlight some of the actions the last legislature took. Governor Doyle originally proposed traffic stop data collection in the eleven most populous counties in Wisconsin, in conjunction with primary seat belt enforcement. The legislature amended this proposal to make the collection happen statewide and asked the Office of Justice Assistance (OJA) to promulgate rules on what data to collect and when.

As OJA sought approval of the Finance Committee to begin spending money to promulgate rules, the finance committee added conditions on the rulemaking process such as statewide hearings, an advisory committee, legislative participation, and expert testimony and information. I was appointed by Sen. Miller to represent the Senate on the OJA advisory committee along with Rep. Grigsby.

That committee to promulgate these rules included law enforcement personnel – Chief Tubbs of Capitol Police, then State Patrol Superintendent David Collins, Winnebago County Sheriff Mike Brooks, Madison Police Chief Noble Wray, Milwaukee Police Chief Ed Flynn, and Wisconsin Professional Police Association Director Jim Palmer. In addition, we heard expert testimony from persons in Washington state, the State of Illinois, and Professor Lorie A. Fridell of the University of South Florida. The committee took testimony at five hearings around the state before the rule was proposed and major hearings on the draft rule.

Being that January 1st has arrived, Wisconsin is now collecting data at traffic stops as the statute and rules require. Wisconsin created this law so that we have data to use as a tool that law enforcement can use to evaluate themselves and as a performance enhancer. Namely, evaluation of officers individual stops and the race of persons involved leads to a constructive model that can be built that shows an area where bias

may or may NOT exist for that officer. That is truly utilizing this tool. Wisconsin cannot deny that racial profiling does not happen. It does. It is a fact, and most, if not all of Wisconsinites would agree with that. This law is not meant to be anything but a tool for law enforcement to continue to evaluate and improve their practices.

To that extent, Mr. Chairman and members, this bill will stop Wisconsin's tool for combating racial profiling. While the word "repeal" is popular in this political climate, the pragmatic and smart thing to do is to continue taking in this data. Being that we have started with collection, let Wisconsin achieve at least a good quantity of data so we can use this data as intended. It is only prudent to get a product for the investment we have made in this. We have invested well over 1 million dollars in money through OJA and DOT to provide BadgerTracs software to local police squad cars. That is direct state assistance to local governments to ease any burden of this law.

As this committee hears testimony today and decides whether or not to move this bill forward in the process, I strongly encourage this committee to hold this repeal effort to a high bar. By that, I hope that this committee will decide that, unless there is overwhelmingly convincing and compelling evidence to repeal, Wisconsin will continue to see the return on the investment we have begun to realize.

Thank you.



122 W. Washington Avenue
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Madison, Wisconsin 53703-2715

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E-mail: league@lwm-info.org
www.lwm-info.org

To: Senate Committee on Labor, Public Safety, & Urban Affairs
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Date: February 16, 2011
Re: **Support for SB 15, Repealing Racial Profiling Data Collection Requirement**

The League of Wisconsin Municipalities supports SB 15, repealing a provision inserted into the 2009-2011 state budget (Act 28) requiring all local law enforcement officers to collect racial information about each traffic stop and report the data to the state Office of Justice Assistance.

The League supports this bill for the following reasons:

1. The traffic data collection law was shoehorned into the state budget instead of passed as a separate bill on its own merits. Hence, there was insufficient (or no) opportunity for public hearings to examine the costs imposed upon local law enforcement agencies.
2. The data collection requirement is a time-consuming duty imposed on officers who should be handling other, more important duties. Not all police agencies possess the DOT TRACS computer system to gather and report the racial profiling data. Such data must then be hand-written on a paper form and transmitted to the State electronically from the police station either by the officer or by a civilian clerk. The State prohibits local police departments from submitting the data by mailing the written forms in.
3. The longer a traffic stop is prolonged by data collection the more the officer and the motorist are exposed to the risk of roadside collisions.
4. Wisconsin law enforcement agencies continually provide training to their officers on preventing racial profiling. Moreover, mechanisms exist to address suspected wrongdoing by police officers and deputies. Each law enforcement agency is already required by Wis. Stat. 66.0511(3) to have a written "procedure for processing and resolving a complaint by any person regarding the conduct of a law enforcement officer employed by the agency." This procedure has been used to address alleged acts of racial profiling.

For these reasons we urge you to vote in support of SB 15 and repeal the racial data collection mandate. Thanks for considering our comments and concerns.



STATE BAR OF WISCONSIN

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MEMORANDUM

To: Members, Senate Committee on Labor, Public Safety, and Urban Affairs

From: James C. Boll, Jr., President
State Bar of Wisconsin

Date: February 16, 2011

Re: Opposition to 2011 Senate Bill 15 (Repeal of data collection regarding racial profiling)

The State Bar of Wisconsin is the nonpartisan, mandatory professional association created by the Wisconsin Supreme Court for all attorneys who hold a Wisconsin law license. With more than 23,000 members, the State Bar aids the courts in improving the administration of justice, provides continuing legal education for its members, and assists Wisconsin lawyers with outreach initiatives to educate the public about the legal system and the role of the legal profession in a free society.

The State Bar is led by a 52-member Board of Governors, who are elected by the membership or appointed by the Supreme Court. The State Bar operates under the rules of the Wisconsin Supreme Court and the State Bar's bylaws.

Since 2002, the State Bar of Wisconsin has supported state and federal efforts that seek to end racial and ethnic profiling. For the public to have trust and confidence in the justice system, it must believe that all persons are treated equally. The State Bar supports the collection and analysis of data with regard to racial and ethnic profiling. Further, upon the empirical evidence of such practices, we support mandates to end such practices as well as funding for training of law enforcement to address such practices.

The State Bar's support for the measures that Senate Bill 15 would repeal did not occur in a vacuum. In November 1999, Governor Tommy G. Thompson created the Governor's Task Force on Racial Profiling. Governor Thompson charged the task force with the responsibility of studying and making recommendations on the use of profiling when conducting traffic stops in Wisconsin. As the task force's final report noted, the State of Wisconsin has a proud tradition of having some of the finest and most professional police officers in the nation. However, based on national trends and legislative activity on this issue, Governor Thompson determined that a need existed for education and leadership on the issue.

When Governor Thompson's task force issued its final report 10 years ago, it concluded:

“The extent of racial profiling cannot be determined without empirical study and comprehensive analysis. The Task Force and experts agree that data collection is an appropriate component for addressing racial profiling and is a component in effective management which can help build accountability and protect the integrity of law enforcement agencies and personnel. . . .

Based on information from national and local experts, it is strongly recommended that law enforcement agencies collect the necessary data to address racial profiling in an organized manner that permits the development of meaningful and useful information.”

In 2005, legislation to implement racial profiling data collection was introduced in the Assembly by Representative Garey Bies, but it died without a floor vote. Similar legislation had been introduced in previous sessions.

In March 2007, Governor Doyle established the Commission on Reducing Racial Disparities in the Wisconsin Justice System, which issued its final report in February 2008. Echoing the recommendations of Governor Thompson’s task force eight years earlier, the Commission made the following recommendation: “Appropriate state agencies should be directed to conduct a county-by county baseline study of racial disparity using existing traffic citation and arrest data to determine disparity levels in the state.”

In the 2009-11 biennial state budget, 2009 Act 28, these recommendations were adopted. Data collection began less than two months ago, on January 1, 2011.

In summary, two task forces – one appointed by a Republican Governor and one appointed by a Democratic Governor – have made the same recommendation to the Legislature, which were finally adopted two years ago. The data collection just began this year. At best, to repeal this requirement now would signal that the Legislature has concluded, without any empirical basis, that racial profiling does not exist in Wisconsin or is not a significant problem. The State Bar of Wisconsin believes this is the wrong approach. The current statute provides a way to resolve questions about racial profiling in Wisconsin with hard facts and empirical data. It should not be repealed before the questions it was intended to answer have been resolved on the basis of an empirical record.

If you have any questions, please feel free to contact Lisa Roys, Public Affairs Director for the State Bar of Wisconsin, at (608) 250-6128.

CIVIL RIGHTS & LIBERTIES SECTION

MEMORANDUM

To: Members, Senate Committee on Labor, Public Safety, and Urban Affairs

From: Attorney A. Steven Porter, Board Member
Civil Rights and Liberties Section

Date: February 16, 2011

Re: Opposition to 2011 Senate Bill 15 (Repeal of data collection regarding racial profiling)

My name is A. Steven Porter, and I am a board member of the Civil Rights and Liberties Section of the State Bar of Wisconsin. The board lobbies on behalf of section members regarding issues related to human rights, including civil, individual, political, economic and social rights, liberties and responsibilities, and the processes for protecting them

The Civil Rights and Liberties Section opposes Senate Bill 15. For the public to have trust and confidence in the justice system, it must believe that all persons are treated equally. The collection and analysis of data regarding racial and ethnic profiling has the potential to resolve conclusively long-standing questions regarding racial and ethnic profiling in Wisconsin.

In November 1999, Governor Tommy G. Thompson created the Governor's Task Force on Racial Profiling. Governor Thompson charged the task force with the responsibility of studying and making recommendations on the use of profiling when conducting traffic stops in Wisconsin. As the task force's final report noted, the State of Wisconsin has a proud tradition of having some of the finest and most professional police officers in the nation. However, based on national trends and legislative activity on this issue, Governor Thompson determined that a need existed for education and leadership on the issue.

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STATE BAR OF WISCONSIN

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The Civil Rights and Liberties Section believes this is the wrong approach. The current statute provides a way to resolve questions about racial profiling in Wisconsin with hard facts and empirical data. It should not be repealed before the questions it was intended to answer have been resolved on the basis of an empirical record.

The State Bar of Wisconsin establishes and maintains sections for carrying on the work of the association, each within its proper field of study defined in its bylaws. Each section consists of members who voluntarily enroll in the section because of a special interest in the particular field of law to which the section is dedicated. Section positions are taken on behalf of the section only.

The views expressed on this issue have not been approved by the Board of Governors of the State Bar of Wisconsin and are not the views of the State Bar as a whole. These views are those of the Section alone.

WISCONSIN TRAFFIC STOP DATA COLLECTION FORM

TSDC01

2011
SB 15
Handout
of data
collection
manual
form
with photos
of sample
driver &
occupants

From
Sheriff
David Beth,
Kenosha City

Document Number 013005S1		Police Number		Report Date 11/12/2010	
3 - Date of Stop		4 - Time of Stop			
5 - County		6 - Municipality			
7 - On Hwy #	7 - On Hwy Dir	7 - On Street Name		Est. Dist	Est. Dist. Dir
8 - From/At Highway #	8 - From/At Hwy Dir	8 - From/At Street Name			
9 - Roadway Type					
10 - Latitude			11 - Longitude		
Agency Space					
12 - License Plate #	13 - Plate Type	14 - State	15 - Expiration Year	16 - Body Style	17 - Color
18 - Vehicle Year					
19 - Make Code		19 - Make Description		20 - Model Code	20 - Model Description
21 - # Of Passengers Observed (Driver Excluded)		Tot Pass Searched/Consent Req		22 - At Least One Non-White Passenger Observed	
23 - Driver Zip Code	24 - Driver Date of Birth	Driver Age	25 - Driver Sex		26 - Driver Race/Ethnicity
27 - Reason for Stop			28 - Detailed Reason		
27 - Other Reason for Stop			28 - Other Detailed Reason		
29 - Event Outcome				30 - Event Duration	
Vehicle Search	31 - Consent Requested NO		34 - Search Basis		
	32 - Consent Received NO				
	33 - Search Conducted NO		34 - Other Search Basis		
	35 - Contraband Found				
35 - Other Contraband					
Driver Search	36 - Consent Requested NO		39 - Search Basis		
	37 - Consent Received NO				
	38 - Search Conducted NO		39 - Other Search Basis		
	40 - Contraband Found				
40 - Other Contraband Found					

WISCONSIN TRAFFIC STOP DATA COLLECTION FORM

TSDC01

Document Number 013005S1	Police Number	Report Date 11/12/2010
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Passenger Search 001	41 - Consent Requested	44 - Search Basis			
	42 - Consent Received				
	43 - Search Conducted	44 - Other Search Basis			
	45 - Contraband Found				
	45 - Other Contraband Found			46 - Passenger Race/Ethnicity	
Last Name UNITFIVE		First Name TRAINING		Middle Name	Officer ID TRX05
LEA Number 030		Law Enforcement Agency Jurisdiction KENOSHA		Law Enforcement Agency type COUNTY-SHERIFF	
Law Enforcement Agency Name KENOSHA COUNTY SHERIFF					
Law Enforcement Agency Street Address 1000 55TH STREET					
Law Enforcement Agency City KENOSHA		LEA State WI		Law Enforcement Agency Zip Code 53140	
Law Enforcement Agency Phone Number (262) 605-5100 EXT.					User ID TRX05

WISCONSIN TRAFFIC STOP DATA COLLECTION FORM

TSDC01

Document Number 013005S1	Police Number	Report Date 11/12/2010
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Passenger Search 001	41 - Consent Requested		44 - Search Basis	
	42 - Consent Received			
	43 - Search Conducted		44 - Other Search Basis	
	45 - Contraband Found			
	45 - Other Contraband Found			
46 - Passenger Race/Ethnicity				
Last Name UNITFIVE		First Name TRAINING		Middle Name
Officer ID TRX05				
LEA Number 030		Law Enforcement Agency Jurisdiction KENOSHA		Law Enforcement Agency type COUNTY-SHERIFF
Law Enforcement Agency Name KENOSHA COUNTY SHERIFF				
Law Enforcement Agency Street Address 1000 55TH STREET				
Law Enforcement Agency City KENOSHA		LEA State WI	Law Enforcement Agency Zip Code 53140	
Law Enforcement Agency Phone Number (262) 605-5100 EXT.				User ID TRX05

WISCONSIN TRAFFIC STOP DATA COLLECTION FORM

TSDC01

Document Number 013005S1	Police Number	Report Date 11/12/2010
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Passenger Search 001	41 - Consent Requested	44 - Search Basis			
	42 - Consent Received				
	43 - Search Conducted	44 - Other Search Basis			
	45 - Contraband Found				
	45 - Other Contraband Found			46 - Passenger Race/Ethnicity	
	Last Name UNITFIVE		First Name TRAINING	Middle Name	Officer ID TRX05
	LEA Number 030	Law Enforcement Agency Jurisdiction KENOSHA		Law Enforcement Agency type COUNTY-SHERIFF	
	Law Enforcement Agency Name KENOSHA COUNTY SHERIFF				
	Law Enforcement Agency Street Address 1000 55TH STREET				
	Law Enforcement Agency City KENOSHA		LEA State WI	Law Enforcement Agency Zip Code 53140	
Law Enforcement Agency Phone Number (262) 605-5100 EXT.				User ID TRX05	

WISCONSIN TRAFFIC STOP DATA COLLECTION FORM

TSDC01

Document Number 013005S1	Police Number	Report Date 11/12/2010
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Passenger Search 001	41 - Consent Requested	44 - Search Basis		
	42 - Consent Received			
	43 - Search Conducted	44 - Other Search Basis		
	45 - Contraband Found			
	45 - Other Contraband Found			46 - Passenger Race/Ethnicity
	Last Name UNITFIVE		First Name TRAINING	Middle Name
LEA Number 030		Law Enforcement Agency Jurisdiction KENOSHA		Law Enforcement Agency type COUNTY-SHERIFF
Law Enforcement Agency Name KENOSHA COUNTY SHERIFF				
Law Enforcement Agency Street Address 1000 55TH STREET				
Law Enforcement Agency City KENOSHA		LEA State WI	Law Enforcement Agency Zip Code 53140	
Law Enforcement Agency Phone Number (262) 605-5100 EXT.				User ID TRX05

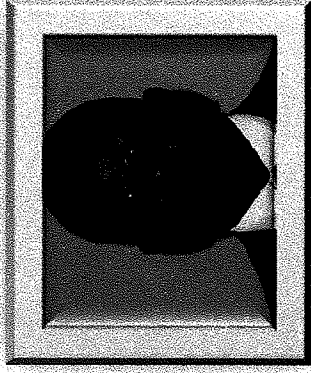
Document Number 013005S1	Police Number	Report Date 11/12/2010
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Passenger Search 001	41 - Consent Requested		44 - Search Basis	
	42 - Consent Received			
	43 - Search Conducted		44 - Other Search Basis	
	45 - Contraband Found			
	45 - Other Contraband Found			
Last Name UNITFIVE		First Name TRAINING		Middle Name
Officer ID TRX05				
LEA Number 030		Law Enforcement Agency Jurisdiction KENOSHA		Law Enforcement Agency type COUNTY-SHERIFF
Law Enforcement Agency Name KENOSHA COUNTY SHERIFF				
Law Enforcement Agency Street Address 1000 55TH STREET				
Law Enforcement Agency City KENOSHA		LEA State WI	Law Enforcement Agency Zip Code 53140	
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Last Name UNITFIVE		First Name TRAINING		Middle Name	Officer ID TRX05
LEA Number 030		Law Enforcement Agency Jurisdiction KENOSHA		Law Enforcement Agency type COUNTY-SHERIFF	
Law Enforcement Agency Name KENOSHA COUNTY SHERIFF					
Law Enforcement Agency Street Address 1000 55TH STREET					
Law Enforcement Agency City KENOSHA		LEA State WI		Law Enforcement Agency Zip Code 53140	
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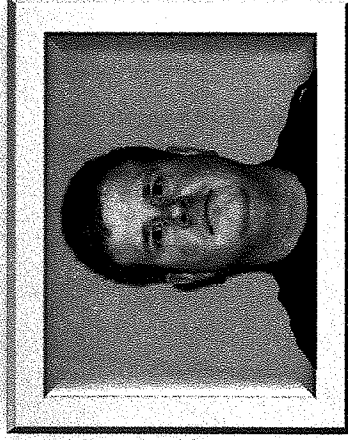
Driver



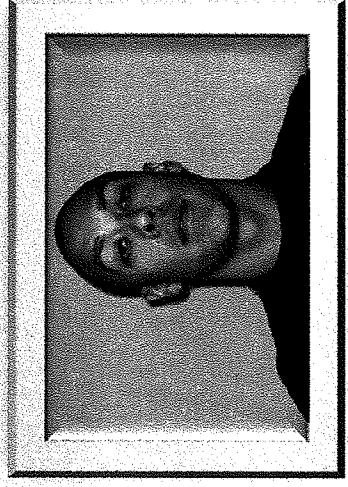
Passenger #2



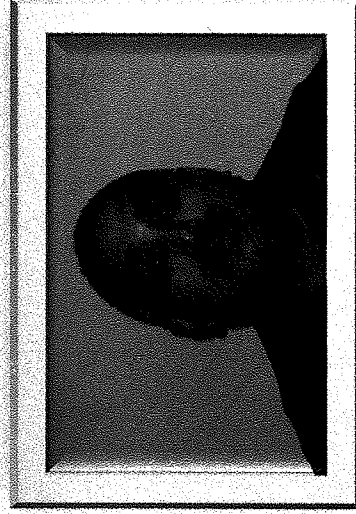
Passenger #3



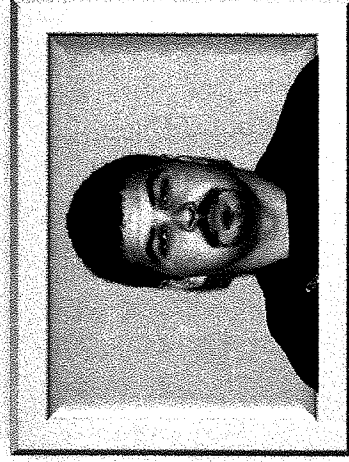
Passenger #4



Passenger #5



Passenger #6



Passenger #7

